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CONSTITUTIONAL LAW—
CONSTITUTIONALITY OF POLICE CARETAKING
CONDUCT INSIDE THE HOME—CANIGLIA V.

The Fourth Amendment guarantees the right to be free from government intrusion within the sanctity of one’s private home.\(^1\) Although the Fourth Amendment does not bar all searches and seizures, a warrant is necessary in most instances to establish the reasonableness of a search unless a situation qualifies for one of the numerous exceptions to the warrant requirement recognized by the Supreme Court.\(^2\) In Caniglia v. Strom,\(^3\) the Supreme Court considered whether a warrantless search of a home for unsecured firearms was permitted by the Fourth Amendment under the community caretaking exception.\(^4\) The Supreme Court held that the decision to remove firearms from the petitioner’s home without a warrant did not fall within the community caretaking exception because of the constitutional difference between vehicles and homes, therefore the search was considered a constitutional violation.\(^5\)

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1. See U.S. Const. amend. IV (stating persons constitutionally protected from unreasonable searches and seizures). Constitutional protections under the Fourth Amendment provide “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Id.; see also Florida v. Jardines, 569 U.S. 1, 6 (2013) (noting “very core” of Fourth Amendment guarantee is “the right of a man to retreat into his own home and there be free from unreasonable government intrusion.”)(quoting Silverman v. United States, 365 U.S. 505, 511 (1961)); United States v. Coccia, 446 F.3d 233, 237-38 (1st Cir. 2006) (highlighting law enforcement may only seize property pursuant to a warrant based on probable cause).

2. See Birchfield v. North Dakota, 579 U.S. 438, 456 (2016) (outlining exceptions to warrant requirement); see also Kentucky v. King, 563 U.S. 452, 459 (2011) (“The text of the Fourth Amendment does not specify when a search warrant must be obtained.”). The Court has previously held that law enforcement officers may enter private property without a warrant when certain exigent circumstances exist, including the need to “render emergency assistance to an injured occupant or to protect an occupant from imminent injury.” King, 563 U.S. at 460, 470 (quoting Brigham City v. Stuart, 547 U.S. 403, 406 (2006)) (holding “[a] warrantless entry based on circumstances must ... be supported by a genuine exigency”); see Stuart, 547 U.S. at 403-04 (listing other examples of exigent circumstances); Mincey v. Arizona, 437 U.S. 385, 393-94 (1978) (“[W]arrants are generally required to search a person’s home or his person unless the ‘exigencies of the situation’ make the needs of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment.”).


4. See id. at 1599 (addressing whether community caretaking exception extends to police conduct on private residence).

5. See id. at 1599-600 (declining to extend community caretaking exception to homes). The Court acknowledged an unmistakable distinction between vehicles and homes by recognizing the “frequency with which ... vehicle[s] can become disabled or involved in ... accident[s] on public
On August 20, 2015, a dispute arose between Edward Caniglia and his wife inside their Cranston, Rhode Island home. The dispute escalated when Mr. Caniglia retrieved a firearm from the couple’s bedroom, threw it on the table, and stated to his wife, “why don’t you just shoot me and get me out of my misery.”

When Mrs. Caniglia threatened to call the police, Mr. Caniglia left the home. During this time, Mrs. Caniglia hid the firearm and its magazine in their bedroom out of fear for her husband’s dangerous state of mind.

When Mr. Caniglia returned to their home, the marital dispute continued, prompting Mrs. Caniglia to leave and spend the night in a hotel.

The following morning, Mrs. Caniglia decided to call the Cranston Police Department when she could not reach her husband by phone. Mrs. Caniglia explained to Cranston Police that she was concerned for her husband’s safety; she was worried about him committing suicide and requested an escort back to her home to check on Mr. Caniglia. Four officers escorted Mrs. Caniglia to her home where they spoke with Mr. Caniglia while his wife waited in the car.

Although two of the officers reported that Mr. Caniglia “appeared normal” during this encounter, the ranking officer determined, based on the totality of circumstances, that Mr. Caniglia was “imminently dangerous to himself and others.” After receiving assurances that

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6 See Caniglia, 141 S. Ct. at 1596 (describing couple’s argument within home).
7 See id. at 1598 (recounting escalation of marital dispute). At the time of this argument, Mrs. Caniglia was unaware that the firearm had not been loaded. See Caniglia v. Strom, 396 F. Supp. 3d 227, 230 (D.R.I. 2019).
8 See Caniglia, 396 F. Supp. 3d at 230 (recognizing short pause in marital disagreement).
9 See id. (noting return of firearm to bedroom). Mrs. Caniglia hid the gun between the mattress and box spring in their bedroom. Id. At this time, Mrs. Caniglia realized Mr. Caniglia did not load the firearm, as the magazine remained in its usual location under the mattress. Id. Mrs. Caniglia relocated the magazine to a bedside drawer. Id.
10 See id. at 230 (describing conclusion of disagreement).
11 See Caniglia v. Strom, 953 F.3d 112, 119 (1st Cir. 2020) (discussing Mrs. Caniglia’s inability to contact her husband).
12 See id. (explaining Mrs. Caniglia’s concern for her husband’s safety). Mrs. Caniglia called the Cranston Police Department on a non-emergency line and asked that an officer accompany her to the residence. Id. She told police officers that Mr. Caniglia was “depressed” and that she was concerned “about what [she] would find” when she returned home. Id.
13 See id. (describing initial police interaction with Mr. Caniglia). Soon after Mrs. Caniglia’s phone call to the Cranston Police Department, an officer met with Mrs. Caniglia, where she recounted the argument with her husband from the previous day, including his disturbing behavior and statements. Id. The officer reached Mr. Caniglia by telephone, who said he was willing to speak with the police in person. Id. The officers subsequently arrived on the scene and spoke with Mr. Caniglia on his back porch. Id.
14 See Caniglia, 953 F.3d at 119 (detailing police communication with Mr. Caniglia). Mr. Caniglia corroborated his wife’s recollection of the argument, stating that he brought out the firearm
the officers would not confiscate his firearms, Mr. Caniglia agreed to be transported by ambulance to a nearby hospital for psychiatric evaluation. Despite this, however, after Mr. Caniglia departed the residence by ambulance, the ranking officer on scene received approval from a superior officer to seize the firearms.

In October of 2015, after several unsuccessful attempts to personally retrieve his firearms from the Cranston Police Department, Mr. Caniglia’s attorney formally requested their return on his behalf. After further denial, Mr. Caniglia subsequently filed a lawsuit against the City of Cranston, city officials, and the responding police officers in United States District Court for the District of Rhode Island, alleging violations of his Second and Fourth Amendment rights. Both parties moved for summary judgment and the District Court granted the defendants’ motion. Mr. Caniglia appealed to the United States Court of Appeals for the First Circuit and the appeals court affirmed the lower court’s ruling on grounds that the decision to remove Mr. Caniglia’s firearms from his residence fell within the community caretaking exception to the warrant requirement. Mr. Caniglia again appealed and filed a petition for certiorari, asking the United States Supreme Court to consider whether the community caretaking exception to the Fourth Amendment

and asked his wife to shoot him because he was “sick of the arguments” and “couldn’t take it anymore.” Upon the officers’ inquiry of his mental health, Mr. Caniglia told them it “was none of their business” but denied being suicidal.

15 See id. at 120 (highlighting Mr. Caniglia’s initial unwillingness to be transported). Mr. Caniglia claims that he only agreed to the transportation and psychiatric evaluation because the officers told him that the firearms would not be confiscated if he complied. However, the record contained no evidence from any of the four responding officers that such a promise was made.

16 See id. (explaining context of firearms seizure). At some point that morning, the officers were informed that there was a second firearm on the premises, and the superior officer resultantly ordered the confiscation of both firearms. Mrs. Caniglia directed the officers to the two firearms, magazines for both guns, and ammunition – all of which were seized.

17 See Caniglia v. Strom, 396 F. Supp. 3d 227, 231-32 (D.R.I. 2019) (outlining unsuccessful attempts to retrieve firearms). A few days after the seizure, Mrs. Caniglia went to the Cranston Police Department to retrieve her husband’s firearms but was informed she needed a copy of the police report, which was subject to a captain’s approval. Mrs. Caniglia complied with the order only to be told that her request was denied and that she would instead need a court order. Mr. Caniglia then made personal attempts to retrieve his firearms and was told by Cranston Police that the firearms were not going to be released, prompting Mr. Caniglia’s attorney to submit a formal letter of request.

18 See id. (stating claims of constitutional violations). After filing suit for the seizure of his firearms, Mr. Caniglia’s firearms were returned without a court order.

19 See Caniglia, 396 F. Supp. 3d at 242 (restating trial court’s conclusion).

20 See Caniglia, 953 F.3d at 139 (affirming lower court’s holding). “As this case illustrates, [officers] sometimes are confronted with peculiar circumstances – circumstances that present them with difficult choices. Here, the actions of the defendant officers, though not letter perfect, did not exceed the proper province of their community caretaking responsibilities.”
Amendment’s warrant requirement extends to the home. The Supreme Court vacated the First Circuit’s ruling, holding that the community caretaking exception does not extend to warrantless searches and seizures inside the home. The Fourth Amendment to the Constitution guarantees “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . .” The Amendment originates from the Framers’ belief that freedom from government intrusion was a natural right and fundamental to liberty. The Supreme Court has acknowledged this fundamental right by holding that warrantless searches are per se unreasonable under the Fourth Amendment unless an exception to the warrant requirement applies. One such exception, known as the “community caretaking exception,” derives from Cady v. Dombrowski, a case where the Supreme Court upheld the warrantless search of a disabled vehicle after police reasonably believed the vehicle’s trunk contained a gun.

22 See id. at 1600 (“What is reasonable for vehicles is different from what is reasonable for homes. Cady acknowledged as much, and this Court has repeatedly declined to expand the scope of . . . exceptions to the warrant requirement to permit warrantless entry into the home.”).
23 See U.S. CONST. amend. IV; see also Mapp v. Ohio, 367 U.S. 643, 655 (1961) (holding Fourth Amendment’s privacy right enforceable against States through Due Process Clause).
24 See Boyd v. United States, 116 U.S. 616, 630 (1886) (considering applications of Fourth Amendment).

The principles of the Fourth Amendment apply to all invasions on the part of the government and its employees of the sanctity of a man’s home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offence; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where that right has never been forfeited by his conviction of some public offence . . .

Id; see also Stanford v. Texas, 379 U.S. 476, 481 (1965) (“Vivid in the memory of the newly independent Americans were those general warrants known as writs of assistance under which officers of the Crown had so bedeviled the colonists.”). Using “writs of assistance,” the King authorized his agents to carry out a wide-range of searches of anyone wherever they pleased, regardless of whether they were suspected of committing a crime. See Stanford, 379 U.S. at 476, 481. These “hated writs” directly motivated framers in their drafting of the Fourth Amendment. Id.; see also Jason Swindle, The History Behind the 4th Amendment, SWINDLE LAW GROUP, P.C. (Mar. 21, 2013), https://perma.cc/X4AG-P3L3 (recognizing protections from unreasonable searches and seizures date back to colonial era). Sir Edward Coke of England first identified the right to be free from unreasonable searches and seizures by stating that “[t]he house of every one is to him as his castle and fortress, as well for his defence against injury and violence as for his repose.” Id.
25 See Coolidge v. New Hampshire, 403 U.S. 443, 454-55 (1971) (“[T]he most basic constitutional rule in this area is that ‘searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.’”) (quoting Katz v. United States, 389 U.S. 347, 357 (1967) (emphasis added)).
accessible to the public.\textsuperscript{27} The \textit{Cady} Court explained police officers frequently engage in such “community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.”\textsuperscript{28} Such police activity in furtherance of these functions, at least in the motor vehicle context, does not offend the Fourth Amendment so long as it is executed in a reasonable manner.\textsuperscript{29}

In interpreting the scope of the Fourth Amendment, the Supreme Court has distinguished between the lesser degree of privacy afforded to automobiles and the special protection granted to the sanctity of the home.\textsuperscript{30}

\textsuperscript{27} See id. ("The fact that the protection of the public might, in the abstract, have been accomplished by "less intrusive" means does not, by itself, render the search unreasonable.")). In \textit{Cady}, a Chicago police officer named Dombrowski visited Wisconsin and reported to police that he had been in a car accident. \textit{Id.} at 435-36. Because Dombrowski was a Chicago police officer, the Wisconsin officers reasonably believed that Dombrowski’s position required he always carry his revolver on him. \textit{Id.} at 436. After finding no gun on Dombrowski’s person, the officers checked the front seat and glove compartment of his wrecked vehicle, again finding no gun. \textit{Id.} While the vehicle was unguarded outside of a private garage where it had been towed, one of the Wisconsin officers worried that “a revolver would fall into untrained or perhaps malicious hands,” ultimately motivating his desire to search the vehicle to protect the public from such possibility. \textit{Id.} at 443.

\textsuperscript{28} \textit{Id.} at 443 (explaining rationale behind community caretaking functions). The Court remarks state and local police officers have more contact with vehicles due to regulation of automobiles and traffic. \textit{Id.} As a result of this frequency, police contact with automobiles is greater than contact in more private locations such as the home. \textit{Id.}

\textsuperscript{29} See Caniglia v. Strom, 953 F.3d 112, 123 (1st Cir. 2020) ("Elucidating this exception, we have held that the Fourth Amendment’s imperatives are satisfied when the police perform noninvestigatory duties, including community caretaker tasks, so long as the procedure employed (and its implementation) is reasonable.") (quoting United States v. Rodriguez-Morales, 929 F.2d 780, 785 (1991)), cert. granted by Caniglia v. Strom, 141 S. Ct. 870 (U.S. 2020), mot’n granted by Caniglia v. Strom, 141 S. Ct. 1511 (U.S. 2021), vacated and remanded by Caniglia v. Strom, 141 S. Ct. 1596 (U.S. 2021), on remand at, summary judgment denied in part, and summary judgment granted in part by Caniglia v. Strom, 569 F. Supp. 3d 87 (D.R.I. 2021), partial summary judgment denied by Caniglia v. Strom, 569 F. Supp. 3d 113 (D.R.I. 2021).

\textsuperscript{30} See \textit{Cady}, 413 U.S. at 442 (explaining rationale for differentiating between automobiles and homes). “The constitutional difference between searches of and seizures from houses and similar structures and from vehicles stems both from the ambulatory character of the latter and from the fact that extensive, and often noncriminal contact with automobiles will bring local officials in ‘plain view’ of evidence . . . “ \textit{Id.; see also} California v. Carney, 471 U.S. 386, 390 (1985) (arguing “ready mobility of the automobile” affords lesser Fourth Amendment protection).

[R]ecognizing a necessary difference between a search of a store, dwelling house or other structure in respect of which a proper official warrant readily may be obtained, and a search of a ship, motor boat, wagon or automobile, for contraband goods, where it is not practicable to secure a warrant because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought.

\textit{Carney}, 471 U.S. at 390 (quoting \textit{Carroll} v. United States, 267 U.S. 132, 153 (1925)) (explaining difference between protections afforded to homes and vehicles); \textit{Payton} v. New York, 445 U.S. 573, 601 (1980) (Powell, J., concurring) (“[N]either history nor this Nation’s experience requires us to disregard the overriding respect for the sanctity of the home that has been embedded in our
Although the Cady Court expanded upon the constitutional difference between vehicles and homes, the Court never held that the community caretaking exception only applies in the context of vehicular searches. This was not the only instance where the Supreme Court averted the opportunity to restrict the community caretaking exception to automobiles, as the Court neglected to do so in two subsequent cases both involving inventory searches of vehicles. As the Supreme Court only addressed the community caretaking exception in the context of automobiles, circuit courts are split on whether to limit the doctrine to vehicle searches only, or to expand the doctrine to include the context of the home. The Seventh Circuit has adopted a restrictive view of community caretaking by interpreting the express language in Cady as a confinement to searches only involving automobiles.

traditions since the origins of the Republic.”), on remand at People v. Payton, 412 N.E.2d 1288 (N.Y. 1980).

31 See Cady, 413 U.S. at 439.

Because of the extensive regulation of motor vehicles and traffic, and also because of the frequency with which a vehicle can become disabled or involved in an accident on public highways, the extent of police-citizen contact involving automobiles will be substantially greater than police-citizen contact in a home or office.

Id. at 441.


[T]he inventory search procedure is a ‘reasonable’ response to ‘three distinct needs: the protection of the owner’s property while it remains in police custody . . . ; the protection of the police against claims or disputes over lost or stolen property . . . ; and the protection of the police from potential danger.’

Id.; see also Colorado v. Bertine, 479 U.S. 367, 381 (1987) (averting opportunity to restrict community caretaking exception). “Inventory searches are not subject to the warrant requirement because they are conducted by the government as part of a ‘community caretaking’ function . . . .”

Id.

33 See Andrea L. Steffan, Note, Law Enforcement Welfare Checks and the Community Caretaking Exception to the Fourth Amendment Warrant Requirement, 53 LOY. L.A. L. REV. 1071, 1073 (2020) (arguing for necessary balance between government’s interests in protecting public and individual freedoms). “Today, your rights under the Fourth Amendment, and law enforcement’s ability to enter your home without a warrant under the community caretaking doctrine, depend on the jurisdiction in which you live.” Id.

34 See United States v. Pichany, 687 F.2d 204, 208 (7th Cir. 1982) (“Accepting the government’s argument would require us to ignore express language in the Cady decision confining the ‘community caretaker’ exception to searches involving automobiles.”). In Pichany, the Seventh Circuit refused to extend the community caretaking exception to the search of an unlocked warehouse during a burglary investigation. Id. at 206.
Similarly, the Ninth Circuit has held that an officer acting as a community caretaker does not justify a warrantless search of the home.\(^{35}\)

Alternatively, the Fifth Circuit permits warrantless entry into the home when justified by officers responding in a reasonably foreseeable manner to concerns for safety and harm prevention.\(^{36}\) The Eighth Circuit has similarly held that “[a] police officer may enter a residence without a warrant as a community caretaker where the officer has a reasonable belief that an emergency exists requiring his or her attention.”\(^{37}\) With circuits differing in their approaches to applying the community caretaking exception, confusion has persisted not only at the judicial level, but also among police officers who are expected to engage in community caretaking functions as part of their designated duties.\(^{38}\) Such a sharp conflict among the circuits has prompted the Supreme Court to provide clarity to both private citizens and police officers regarding the boundaries to the community caretaking exception.\(^{39}\)

\(^{35}\) See United States v. Erickson, 991 F.2d 529, 531 (9th Cir. 1993) (“The fact that a police officer is performing a community caretaking function, however, cannot itself justify a warrantless search of a private residence.”).

\(^{36}\) See United States v. York, 895 F.2d 1026, 1029 (5th Cir. 1990) (justifying community caretaking functions in homes when reasonably foreseeable). “[A]ctivities or circumstances within a dwelling may lessen the owner’s reasonable expectation of privacy by creating a risk of intrusion which is ‘reasonably foreseeable.”’ Id.; see also Debra Livingston, Police, Community Caretaking, and the Fourth Amendment, 1998 U. CHI. LEGAL F. 261, 263 (1998) (noting reasonableness as touchstone for assessing propriety of searches and seizures). “There is an alternative view of the Fourth Amendment that might be helpful in the evaluation of community caretaking intrusions. The Court has recently ‘turned away from the specific commands of the warrant clause’ and toward a test of general reasonableness, at least in contexts not involving criminal investigation.” Id.; see also Megan Pauline Marinos, Comment, Breaking and Entering or Community Caretaking? A Solution to the Overbroad Expansion of the Inventory Search, 22 GEO. MASON U. CIV. RTS. L.J. 249, 291 (2012) (“According to the Fourth Amendment, a search is either reasonable or unreasonable. Because reasonableness is the ultimate standard, reasonable searches are constitutional, while unreasonable searches are unconstitutional and often result in the exclusion of evidence.”); Akhil Reed Amar, Fourth Amendment First Principles, 107 HARV. L. REV. 757, 759 (1994) (emphasizing need to keep “eyes fixed” on reasonableness). “We need to read the Amendment’s words and take them seriously: they do not require warrants, probable cause, or exclusion of evidence, but they do require that all searches and seizures be reasonable.” Amar, supra, at 759.

\(^{37}\) See United States v. Quezada, 448 F.3d 1005, 1007 (8th Cir. 2006) (noting functions undertaken by officers to help those in danger and protect property). The Eighth Circuit analogizes police officers to “jacks of all trades,” who often respond in ways entirely separate from the investigation of a crime. Id.

\(^{38}\) See United States v. Rodriguez-Morales, 929 F.2d 780, 784-85 (1st Cir. 1991) (analyzing special role of officers in society). “The policeman plays a rather special role in our society . . . expected to aid those in distress, combat actual hazards, prevent potential hazards from materializing, and provide an infinite variety of services to preserve and protect community safety.” Id.

\(^{39}\) See David Fox, Note, The Community Caretaking Exception: How the Courts Can Allow the Police to Keep Us Safe Without Opening the Floodgates to Abuse, 63 WAYNE L. REV. 407, 422 (2018) (“Community caretaking searches implicate two very important interests: the interests of
In Caniglia v. Strom, the Court held that police officers’ seizure of Caniglia’s firearms from his home violated his Fourth Amendment right against warrantless searches and seizures. The Court reasoned that the warrantless search and seizure of Caniglia’s home exceeded the police officers’ authority pursuant to the community caretaking exception. The Court’s reasoning began with a recognition that the Fourth Amendment does not prohibit all unwelcome intrusions on private property, and thus has established the constitutionality of warrantless searches under exigent circumstances. The Court then assessed Cady, which recognized that police officers who patrol public rights of way regularly undertake community caretaking responsibilities that are unrelated to criminal activity investigations. In its assessment, the Court reproached the First Circuit’s interpretation of Cady for its failure to recognize the “unmistakable distinction” Cady placed on the “constitutional difference” between searches of vehicles and homes.

In support of Cady’s express distinction between vehicles and homes, the Court acknowledged that although Cady also involved the warrantless search for a firearm, the location of that search was an impounded vehicle, not a home. The Court stressed the sanctity of the home and its surroundings by agreeing with Cady’s contrast of treatment of vehicles already under police control with a search of vehicles “parked adjacent to the dwelling place of the owner.” Although Cady recognized that police officers have a duty to perform functions unrelated to law enforcement, the Court

the police in performing their duties and keeping citizens safe, and the “sanctity of the home” under the Fourth Amendment.”).

40 See Caniglia v. Strom, 141 S. Ct. 1596, 1599 (2021) (noting such warrantless searches go beyond anything Court has previously recognized).

41 See id. at 1598 (“The question today is whether Cady’s acknowledgment of these ‘caretaking’ duties creates a standalone doctrine that justifies warrantless searches and seizures in the home. It does not.”).

42 See id. at 1599 (arguing lower court declined to consider presence of any recognized exigent circumstances). The Court recognizes permissible invasions of the home and its curtilage where there is a need to “render emergency assistance to an injured occupant or to protect an occupant from imminent injury,” as well where officers are taking actions that “any private citizen might do.” Id. The Court recognized that the First Circuit declined to consider whether any of these exigent circumstances were present, nor had it found that the officers’ actions were akin to what a private citizen might have had authority to do. Id.

43 See Cady v. Dombrowski, 413 U.S. 433, 441 (1973) (highlighting police activity such as responses to disabled vehicles or accident investigations). See Caniglia, 141 S. Ct. at 1599-600 (emphasizing frequency with which vehicles become disabled or involved in accidents on public highways).

44 See Cady, 413 U.S. at 442 (contrasting ambulatory character of vehicles with sanctity of home).

45 See Caniglia, 141 S. Ct. at 1599 (“True, Cady also involved a warrantless search for a firearm. But the location of that search was an impounded vehicle – not a home – a ‘constitutional difference’ that the opinion repeatedly stressed.”).

46 See id. (underscoring distinction between home and public locations).
articulated that these civic tasks are not “an open-ended license to perform them anywhere.” 47 Ultimately, the Court declined to expand the scope of the community caretaking exception to encompass Caniglia’s private home by stressing that “what is reasonable for vehicles is different from what is reasonable for homes.” 48

While the Court properly reaffirmed the constitutional difference between vehicles and homes, the Court improperly took too rigid a stance in the historic, vehicle-related origins of the community caretaking exception. 49 Although police-citizen contact involving automobiles is far more common than contact in the home, such contact still exists. 50 While there are times when community caretaking and law enforcement are intertwined, the Court neglected to explain how its narrow interpretation of the caretaking exception should apply when the duties of police go beyond criminal law enforcement, such as assisting lost children locate their parents, responding to heart attack victims, and conducting well-being checks on elderly citizens. 51 As the total range of police responsibilities is tremendously broad, the Court should not have acted so quickly in closing the door on warrantless entry into homes under the community caretaking exception. 52

47 See id. at 1599-600 (“Cady’s unmistakable distinction between vehicles and homes also places into proper context its reference to ‘community caretaking.’”).

48 See id. at 1600 (declining to interfere with established sanctity of home). The Court vacated the judgment of the lower court and remanded for further proceedings that align with its opinion. Id.

49 See id. at 1599 (stressing difference between vehicles and homes in permitting warrantless intrusion); see also Cady v. Dombrowski, 413 U.S. 433, 439 (1973) (“Although vehicles are ‘effects’ within the meaning of the Fourth Amendment, ‘for the purposes of the Fourth Amendment there is a constitutional difference between houses and cars.’”) (quoting Chambers v. Maroney, 399 U.S. 42, 52 (1970)).

50 See Steffan, supra note 33, at 1072 (noting instances of police responses as “essential” community concerns). Police all over the country are regularly called upon to make welfare checks by concerned family and friends. Id. “While statistics on this community service are not widely available, at least one suburban police department made around 2,000 welfare checks in 2017.” Id.

51 Compare Caniglia v. Strom, 141 S. Ct. 1596, 1600 (noting police are “often” compelled to provide noncriminal community caretaking), with Brigham City v. Stuart, 547 U.S. 398, 406 (2006) (“The role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties . . . .”); Livingston, supra note 36, at 261 (listing circumstances involving immediate police assistance in community); see also Steffan, supra note 33, at 1073 (“There are also sometimes dire consequences when people inside need assistance, and police do not enter.”). Although it is obvious that problems can arise when police enter homes and occupants are not expecting them, these problems must not diminish the need for police officers to enter residences when immediate consequences call for it. See Steffan, supra note 33, at 1072.

52 See Livingston, supra note 36, at 261 (“The total range of police responsibilities is extraordinarily broad . . . . Anyone attempting to construct a workable definition of the police role will typically come away with old images shattered and with a new-found appreciation for the intricacies of police work.”); Caniglia, 141 S. Ct. at 1600 (Alito, J., concurring) (highlighting important questions Court did not decide). Justice Alito acknowledges that the Court refrained from addressing warrantless seizures for mental health holds, as well as “red flag” laws that allow police to seize
Restricting the community caretaking exception to vehicles may seem like a simple solution to protect the home from government intrusion, but such a flat prohibition diminishes the ability of officers to carry out many of their vital functions. As the Court itself notes, the Fourth Amendment does not prohibit all unwelcome intrusions, only “unreasonable” ones, thus articulating reasonableness as a determinative factor in assessing the constitutionality of searches and seizures. Instead of setting forth a strict restriction to the community caretaking exception, the Court should have instead adopted the Fifth Circuit’s rule based on reasonable foreseeability. The Fifth Circuit has articulated that residents may reduce their reasonable expectation of privacy through their activities or by causing an intrusion of the home to become reasonably foreseeable. In the case at hand, Caniglia’s

53 See generally Steffan, supra note 33, at 1072-73 (recognizing existence of numerous other warrant exceptions).

54 See Caniglia, 141 S. Ct. at 1599 (alluding to specific language of Fourth Amendment and its interpretation). “To be sure, the Fourth Amendment does not prohibit all unwelcome intrusions ‘on private property,’ only ‘unreasonable’ ones.” Id.; see also Livingston, supra note 36, at 263-64 (outlining reasonableness as core of community caretaking evaluation). “The Court has recently ‘turned away from the specific commands of the warrant clause’ and toward a test of general reasonableness, at least in contexts not involving criminal investigation. Proponents of this approach argue that reasonableness itself is the touchstone for assessing the propriety of searches and seizures.” Id. at 263; see also United States v. Rodriguez-Morales, 929 F.2d 780, 785 (1991) (“The imperatives of the [F]ourth [A]mendment are satisfied in connection with the performance of such noninvestigatory duties, including community caretaker tasks, so long as the procedure employed (and its implementation) is reasonable.”).

55 See United States v. York, 895 F. 2d 1026, 1029 (5th Cir. 1990) (concluding warrantless entry into home justified when officers respond in reasonably foreseeable manner).

56 See id. (noting lesser expectation of privacy in home as result of occupant’s activities). The York court reasons that activities or circumstances within a dwelling may lessen the owner’s reasonable expectation of privacy by creating a risk of intrusion which is “reasonably foreseeable.” Id.; see also Steffan, supra note 33, at 1093 (explaining Fifth Circuit extension of community caretaking to homes). “[T]he York court found that the community caretaking exception applies to homes because when police are acting as community caretakers and the resident has reduced their expectation of privacy, no search occurs.” Steffan, supra note 33, at 1091. The Fifth Circuit laid out a two-step analysis for determining whether government activity activates the Fourth Amendment as, “[t]he court first considers whether activity intrudes upon a reasonable expectation of privacy in such a significant way to make the activity a ‘search.’ Then, if we find a ‘search’ has
threats to take his own life reduced his reasonable expectation of privacy by making it foreseeable not only that his wife may seek out assistance from law enforcement, but that in response, law enforcement officials may seize his firearms to protect the lives of Caniglia, his wife, and the general public.\(^{57}\) Had officers not seized his firearms, Caniglia may have posed a danger to himself and the public upon being released from the hospital less than twenty-four hours after his rage episode.\(^{58}\)

While the Court properly held that the First Circuit had extrapolated from \textit{Cady} an overly broad community caretaking exception that was susceptible to being exploited as an open-ended license to perform civic tasks anywhere, the Court neglected to consider that “threats to individual and community safety are not confined to the highways.”\(^{59}\) Community caretaking tasks outside of the motor vehicle context, such as the welfare check completed in \textit{Caniglia}, are necessary responses to community concerns that warrant circumstances for police to enter a home.\(^{60}\) To prevent the community caretaking exception from being a catchall for the wide range of responsibilities that police officers must employ beyond criminal investigation, the Court should require such entrances be reasonable under the circumstances.\(^{61}\)

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\(^{57}\) See \textit{Caniglia}, 141 S. Ct. at 1598 (explaining character of Caniglia during argument with his wife). Upon Caniglia expressly asking his wife to "shoot [him] now and get it over with," his wife raised immediate concerns over the safety of her husband, causing her to seek police assistance by requesting a welfare check on her husband at their home. \textit{Id.} During this requested welfare check, police officers reasonably assessed that, based on his behavior, Caniglia posed a risk to himself or others. \textit{Id.}

\(^{58}\) See \textit{Caniglia v. Strom}, 953 F.3d 112, 128 (1st Cir. 2020) (arguing short passage of time did not diminish potential threat of harm).

On these facts, though, it seems to us [First Circuit court] – as it could have appeared to objectively reasonable officers – that the mere passage of a short period of time, without more, was not enough to allay the valid fear that the plaintiff might do harm to himself or others particularly when the plaintiff’s wife continued to express urgent concerns about the plaintiff’s well-being the morning after his disturbing interaction with her. \textit{Id.} at 129 (alteration in original).

\(^{59}\) See \textit{id.} at 124 (explaining gradual expansion in police realities since \textit{Cady}). “Understanding the core purpose of the [community caretaking] doctrine leads inexorably to the conclusion that it should not be limited to the motor vehicle context.” \textit{Id.} (alteration in original).

\(^{60}\) See \textit{Steffan}, supra note 33, at 1074 (describing societal expectation of police response to welfare checks).

\(^{61}\) See \textit{id.} at 1075 (“Reasonableness, the touchstone of American Fourth Amendment jurisprudence, ‘depends on all of the circumstances surrounding the search or seizure and the nature of the search or seizure itself.’”); \textit{Amar}, supra note 36, at 759 (“[T]he Fourth Amendment’s words do not require warrants, probable cause, or exclusion or evidence, but they do require that all searches and seizures be reasonable”) (alteration in original); \textit{see also} \textit{Mincey v. Arizona}, 437 U.S. 385,
Such circumstances that are to be considered reasonable are police protection from potential dangers, whether public interest outweighs the intrusion of an individual’s privacy right, and the exigency of the situation leading up to officers’ response. Further, because community caretaking functions are “totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute,” the Court should limit the community caretaking doctrine by suspending the plain view doctrine during such entries to ensure officers are responding only to the extent necessary to minimize danger, render aid, and ensure public safety. In looking directly to the language of the Fourth Amendment, it is the “right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures,” with no language specifying when a search warrant must be obtained. The seizure of Caniglia’s firearms was reasonable when weighed against the danger Caniglia posed to himself and others, and considering the urgent concerns expressed by Caniglia’s wife, police officers should have been permitted to enter Caniglia’s home rather than risking the safety of society by saying, “Sorry. We can’t help you.”

Freedom from unreasonable government intrusion within the sanctity of one’s private home is a right protected by the Fourth Amendment, with reasonableness as its touchstone. While the Court resisted a tendency to recognize new exceptions to the warrant requirement, the Court failed to

393-94 (1978) (reasoning warrants required unless exigencies are so compelling as to make warrantless search objectively reasonable).

62 See Steffan, supra note 33, at 1117 (outlining possible circumstances to permit warrantless entry to fall within scope of community caretaking exception).


64 See U.S. CONST. amend. IV (stating persons constitutionally protected from unreasonable searches and seizures). Constitutional protections under the Fourth Amendment provide “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Id.; see also Kentucky v. King, 563 U.S. 452, 459 (2011) (recognizing text of Fourth Amendment does not include when search warrant must be obtained); Amar, supra note 36, at 761 (emphasizing explicit text of Fourth Amendment).

The words of the Fourth Amendment really do mean what they say. They do not require warrants, even presumptively, for searches and seizures. They do not require probable cause for all searches and seizures without warrants. They do not require – or even invite – exclusions of evidence, contraband, or stolen goods. All this is relatively obvious if only we read the Amendment’s words carefully and take them seriously.

Amar, supra note 36, at 761.

65 See Caniglia v. Strom, 953 F.3d 112, 125 (1st Cir. 2020) (“Conversely, if the lack of constitutional protection leads police officers simply to turn a blind eye to such situations and tragedy strikes, the officers would be fair game to interminable second-guessing.”). See Steffan, supra note 33, at 1074 (arguing law enforcement act as community caretakers to prevent tragedy to citizens).
adequately grapple with law enforcement’s multitude of responsibilities that extend beyond criminal detection and investigation. Law enforcement must be able to maintain public safety outside the course of ordinary criminal investigations, and a clear community caretaking exception to the warrant requirement allows police to aid the public. Using the reasonableness standard inherently rooted in the Fourth Amendment, such an exception can strike a balance between the protection of public interest and an individual’s right to privacy in their home.

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